

Applicant's response of 07/27/2007 is found to be non-responsive as being non-compliant to the requirements of 1.173(b) (2), (c) and (e).

**§ 1.173 Reissue specification, drawings, and amendments.**

- (b) *Making amendments in a reissue application .*
- (2) *Claims .* An amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper. For any claim changed by the amendment paper, a parenthetical expression "amended," "twice amended," *etc.*, should follow the claim number. Each changed patent claim and each added claim must include markings pursuant to paragraph (d) of this section, except that a patent claim or added claim should be canceled by a statement canceling the claim without presentation of the text of the claim.
- (c) *Status of claims and support for claim changes .* Whenever there is an amendment to the claims pursuant to paragraph (b) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status (*i.e.*, pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims.
- (d) *Changes shown by markings .* Any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:
- (1) The matter to be omitted by reissue must be enclosed in brackets; and
  - (2) The matter to be added by reissue must be underlined, except for amendments submitted on compact discs (§§ 1.96 and 1.821(c)). Matter added by reissue on compact discs must be preceded with "<U>" and end with "</U>" to properly identify the material being added.
- (e) *Numbering of patent claims preserved.* Patent claims may not be renumbered. The numbering of any claim added in the reissue application must follow the number of the highest numbered patent claim.
- (g) *Amendments made relative to the patent.* All amendments must be made relative to the patent specification, including the claims, and drawings, which are in effect as of the date of filing of the reissue application.

Accordingly, claims amendment should include:  
a proper claim identifier (parenthetical expression);  
a proper numbering of the claims

Applicant needs to provide a proper claim identifier, and to identify changes made to the claim in accordance to 1.173(b) (2), (c) and (e). Failure to remedy the above deficiencies will result in abandonment of the application. Two notices of non-responsive will not be sent.

Since the above mentioned response appears to be a bona fide attempt to reply, applicant is given a time period of ONE MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF TIME ARE AVAILABLE UNDER 37 CFR 1.136(a). Failure to correct the above noted deficiencies in the next response will result in the abandonment of the application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

01/29/2008